

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00
PM-04 INR-07 L-03 ACDA-07 NSAE-00 PA-01 SS-15 PRS-01
SP-02 TRSE-00 SAJ-01 EURE-00 DODE-00 H-01 NSC-05 VO-03
SCA-01 CPR-01 IO-13 PPT-01 EB-07 OMB-01 /087 W
-----051325Z 078486 /46

O R 051227Z JAN 77
FM USMISSION USBERLIN
TO SECSTATE WASHDC NIACT IMMEDIATE 3743
AMEMBASSY BONN NIACT IMMEDIATE
INFO AMEMBASSY BERLIN UNN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0035

DEPT FOR EUR/CE - MR. CHESTER

BONN FOR MR. GERMAN

E O 11652: GDS
TAGS: PFOR, PGOV, WB, GE, GW, UR
SUBJ: ALLIED RESPONSE TO GDR VISA MEASURE

REFS: A) BONN 148; B) BONN 149; C) USBERLIN 23; D) STATE 00675

1. WE WELCOME BONN GROUP'S QUICK ACTION IN PREPARING
DRAFT PRESS STATEMENT AND PROTEST. WE THINK MOST
IMPORTANT CONSIDERATION NOW IS FOR ALLIES TO ACT
(AND TO BE SEEN DOING SO) PROMPTLY, BY END OF WEEK
AT LATEST. WHILE APPRECIATING PRESSURE FRG IS UNDER
TO MAKE IMMEDIATE PRESS STATEMENT, WE THINK IT
WOULD BE MUCH MORE EFFECTIVE TO HAVE DEMARCHE
PRECEDE OR AT LEAST BE SIMULTANEOUS WITH PRESS
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STATEMENT. LAG BETWEEN PRESS STATEMENT AND DEMARCHE
WOULD LOOK ODD TO SOVIETS AND WOULD PROBABLY BECOME
ELEMENT OF SPECULATION IN WESTERN PRESS AS WELL.
OBVIOUSLY AN EARLY PRESS STATEMENT WOULD BE BETTER
THAN NOTHING IF THERE SHOULD PROVE SUBSTANTIAL
DIFFICULTY IN AGREEING ON TERMS OF DEMARCH, BUT WE
WOULD THINK TWENTY-FOUR HOUR DELAY IN FORMER WOULD

BE WORTHWHILE IF REQUIRED TO ACHIEVE COORDINATED ACTION.

2. WE THINK BOTH TEXTS DEVELOPED BY BONN GROUP ARE GOOD AND WE ARE CONSCIOUS OF NEED NOT TO LET "BETTER" BECOME ENEMY OF "GOOD". WE DO HAVE SOME THOUGHTS, HOWEVER, ON TEXTS WHICH WE PUT FORWARD FOR CONSIDERATION WHILE EMPHASIZING THAT WE DO NOT CONSIDER OUR RESERVATIONS OF SUCH A MAGNITUDE THAT INORDINATE AMOUNT OF TIME SHOULD BE LOST IN ATTEMPTING TO TAKE ACCOUNT OF THEM.

3. WE THINK THAT FOCUS OF ALLIED DISPLEASURE IN BOTH BONN GROUP TEXTS IS SOMEWHAT FUZZY. OUR DIS-AGREEMENT IS PRIMARILY WITH MANNER FRENCH POSITION AS DESCRIBED REF B HAS BEEN REFLECTED. THERE ARE TWO ASPECTS TO WHAT GDR HAS DONE IN PAST FEW DAYS. CONCRETE ACTION ON GROUND, IMPOSITION OF VISA REQUIREMENT AND REMOVAL OF EAST BERLIN-GDR BORDER POSTS, IS MERELY OUTWARD SIGN OF MORE SIGNIFICANT POLITICAL-LEGAL CLAIM WHICH GDR HAS MADE IN DEFENDING VISA REQUIREMENT. WE THINK IMPOSITION OF NOVEL VISA REQUIREMENT FOR THIRD STATE NATIONALS, INCLUDING AMERICANS, FRENCH AND BRITISH TOURISTS, IS ARGUABLY VIOLATION OF QA AND CERTAINLY CHANGE IN PAST PRACTICE WHICH HAS REGRETTABLE EFFECT OF FURTHER RESTRICTING FREE MOVEMENT OF PEOPLE THROUGH CITY. REMOVAL OF BORDER POSTS IS IN SENSE ILLEGAL. IT HAS NEVER BEEN AN ALLIED CONCERN WHAT IF ANY SORT OF CONTROL MEASURES GDR EXERCISES OVER MOVEMENT OF PEOPLE FROM

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EAST BERLIN INTO GDR. IT IS ODD TO SEE FRENCH SUDDENLY DISCOVERING THAT WE HAVE THIS CONCERN. REMOVAL OF BORDER POSTS IS IMPORTANT ONLY BECAUSE OF PUBLIC RELATIONS-PSYCHOLOGICAL IMPACT OF THIS MEASURE BEING TAKEN AT SAME TIME AS VISA MEASURE AND GDR STATUS STATEMENT. WE DO NOT SEE IT AS A CONCRETE VIOLATION ABOUT WHICH WE CAN EXPRESS RESERVATIONS, HOWEVER. AT MOST IT IS APPROPRIATE TO REFER TO IT, ALONG WITH VISA MEASURE, AS A GDR EFFORT TO GIVE APPEARANCE OF TRUTH TO THEIR FALSE STATUS STATEMENT. WE THINK, THEREFORE, THAT BOTH ALLIED STATEMENT AND PROTEST WOULD BE SHARPER AND MORE EFFECTIVE IF THEY WERE TO CONCENTRATE ON GDR STATUS CLAIMS AND TO REFER TO ACTIONS WHICH ARE APPARENTLY INTENDED TO GIVE SUPPORT TO THOSE CLAIMS MORE IN REGRET AND IN PASSING.

4. SECOND POINT OF OUR CONCERN IS WITH EMPHASIS IN BOTH PRESS STATEMENT AND PROTEST ON NO UNILATERAL

CHANGE PORTION OF QA. ALLIES HAVE ALWAYS RECOGNIZED
THAT THIS LANGUAGE IS A TWO-EDGED SWORD. OVER-
RELIANCE BY US ON IT CAN ALL TOO EASILY CONTRIBUTE
TO BUILDING UP AN UNWELCOME LINE OF ARGUMENT AGAINST
ANY CHANGE OR EVOLUTION, WHICH COULD BE USED AGAINST
ACTIONS WE WOULD WISH TO ENCOURAGE IN WEST BERLIN, INCLUDING
FURTHERANCE OF WEST BERLIN-EC RELATIONSHIP. WE
WOULD THINK OUR STATEMENT AND PROTEST WOULD LOSE
NO PUNCH BUT BE MORE IN LINE WITH OUR LONG-
TERM INTERESTS IF IT WERE TO DROP THIS EXPLICIT
REFERENCE AND CONCENTRATE ON FACTS (A) THAT
GDR'S CLAIMS ARE IN DIRECT CONTRADICTION TO STATUS
OF BERLIN AS LAID DOWN IN WAR-TIME AND POST-WAR AGREEMENTS
WHICH WERE CONFIRMED IN QA AND (B) THAT (IN PARA C OF
PROTEST) "THE QA CAN FUNCTION ONLY IF ITS FUNDAMENTAL
PRINCIPLES ARE RESPECTED IN ALL PARTS OF CITY."

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5. WE ALSO THINK THAT IT WOULD BE USEFUL TO ADD
SENTENCE TO PRESS STATEMENT SIMILAR TO THAT WHICH IS
ALREADY IN PROTEST, TO EFFECT THAT ALLIES WILL
CONTINUE TO EXERCISE THEIR RIGHTS AND RESPONSIBILITIES
IN AND WITH RESPECT TO ENTIRE CITY. FOR PUBLIC
CONSUMPTION WE SHOULD BE EMPHASIZING NOT ONLY THAT

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C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 0035

DEPARTMENT FOR EUR/CE - MR. CHESTER

BONN FOR MR. GERMAN

WE CONTINUE TO HAVE RIGHTS IN EAST BERLIN BUT THAT,
AS BEST PROOF OF FALSITY OF GDR CLAIMS, WE ARE
EXERCISING AND WILL CONTINUE TO EXERCISE THOSE RIGHTS.

6. OUR LAST TEXTUAL COMMENT CONCERNS STATEMENT IN
PARA B OF PROTEST ABOUT "QUADRIpartite RIGHTS
AND RESPONSIBILITIES RELATING TO THE EASTERN SECTOR."
WE HAVE ALWAYS DENIED THAT THERE ARE SOVIET RESPONSIBILITIES
FOR THE WESTERN SECTORS AS DISTINCT FROM SOVIET RIGHT OF FREE
ACCESS TO AND CIRCULATION IN THOSE SECTORS. IT MIGHT
THUS BE BETTER TO REWORD THIS PORTION OF PROTEST TO SAY THAT
"NO UNILATERAL STEPS TAKEN IN VIOLATION OF QUADRIpartite
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AGREEMENTS...CAN IMPLY THAT THE QUADRIpartite RIGHTS
AND RESPONSIBILITIES RELATING TO ALL PARTS OF BERLIN,
INCLUDING ITS EASTERN SECTOR, ARE IN ANY WAY AFFECTED..."

7. OUR FINAL CONCERN WITH PROTEST IS ON QUESTION
OF COUNTER-MEASURES. WE SHARE CONCERN OF ALLIES THAT
IT MAY BE VERY DIFFICULT, AND ALMOST CERTAINLY VERY
TIME CONSUMING, TO ATTEMPT TO IDENTIFY BILATERAL
COUNTER-MEASURES AGAINST GDR THAT WOULD BE BOTH
EFFECTIVE AND COMMENSURATE WITH GDR ACTION. WE
DO THINK, HOWEVER, THAT IT IS DESIRABLE TO SHOW OTHER
SIDE, AND MOST PARTICULARLY SOVIETS WHO HAVE FINAL
SAY ON WHAT HAPPENS IN EAST BERLIN, THAT WE
WILL NOT NECESSARILY LIMIT OURSELF TO WORDS, THAT IN
FACT THEY CAN NOT TAKE EFFECTIVE ACTION AND EXPECT
TO PAY ONLY PRICE OF ANOTHER SLANGING MATCH SUCH
AS WAS ENGAGED IN OVER UN DEMOGRAPHIC YEARBOOK.

8. THIS IS WHY WE PROPOSED LINKING OUR PROTEST WITH
ACTION ON RESIDENCE OF PRIVATE SOVIET AND EASTERN
EUROPEAN CITIZENS IN WESTERN SECOTRS. WE THINK ANY
CONCERN THAT GDR MEASURES WERE COUNTER-ACTION TO
SOMETHING ALLIES DID TO SOVIETS CAN BE LAID TO REST.
WE DID NOT EXPEL ANY SOVIETS IN DECEMBER OR TELL SOVIETS THAT

ONLY WAY THEIR PRIVATE CITIZENS CAN STAY FOR LONG PERIOD
IN WEST BERLIN WAS TO GET FRG VISAS. SOVIET WORKERS WHO WERE
SUBJECT OF DISCUSSIONS BETWEEN SOVIET EMBASSY AND MISSION
TOOK ADVANTAGE OF LOOPHOLE IN BK/O(67)7 TO STAY IN
WESTERN SECTORS FOR SUBSTANTIALLY LONGER THAN 31 DAYS.
SOVIETS ARE AWARE THAT ATO VISITOR PERMIT IS
ALTERNATIVE TO VISA FOR PRIVATE SOVIET WISHING
TO STAY LONGER THAN 31 DAYS PROVIDED INDIVIDUAL IN
QUESTION APPLIES FOR THAT PERMIT AT OUTSET OF HIS
VISIT. FINALLY, THIS MATTER CAME UP FOR DISCUSSION
IN MIDDLE OF DECEMBER. GDR MINISTERIAL ACTION WAS
TAKEN DECEMBER 17. EASTERN GOVERNMENTAL BEAUOCRACIES
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SIMPLY DO NOT MOVE THAT FAST.

9. WE ARE VIRTUALLY CERTAIN TO TAKE AT LEAST MAJOR
PART OF ACTION RECOMMENDED REF C (CLOSING BK/O
LOOPHOLE AND REASSERTING VALIDITY OF VISA PROVISIONS
OF FRG PASSPORT LAW.) MISSIONS ARE IN AGREEMENT IN
BERLIN, DEPARTMENT HAS CONCURRED, AND BONN GROUP
DISCUSSION WAS SUGGESTED PRIMARILY AS A COURTESY
TO FRG WHICH HAD ORIGINALLY ASKED US IN 1967 TO
AMEND ALLIED LEGISLATION TO CREATE WAY FOR SOVIETS
AND EASTERN EUROPEANS TO COME TO BERLIN FOR SHORT
BUT NOT OPEN-ENDED STAYS. QUESTION IS WHETHER WE
SEIZE OPPORTUNITY TO LINK WHAT WE ARE GOING TO DO
ANYWAY WITH PROTEST IN ORDER TO SHOW SOVIETS THAT
THERE IS A PRICE WHICH THEY -- SOVIETS - MUST BE
PREPARED TO PAY IN WEST BERLIN IF THEY ARE GOING TO
ENCORAGE GDR IN ITS STATUS PRESUMPTIONS IN EAST
BERLIN. WE SEE THIS AS A FORTUITOUS COINCIDENCE
WHICH SHOULD PERMIT US TO TAKE QUICK COUNTER-MEASURES
THAT WOULD BE COMMENSURATE WITH PROVOCATION AND WOULD
AVOID DIFFICULTIES IN BILATERAL COUNTER-MEASURES
DIRECTED AGAINST GDR FORESEEN BY BONN GROUP. DAVIS

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Message Attributes

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